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1951

File No. Rents II/5/(N)

Legal Dptt.

B **BRANCH**

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Subject:—

Notifications under the Bombay Rents Hotel and Lodging House Rates Control Act, 1947.

File No. Rents II/51

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Legal Departme

In place of the drafts at pages 135 to 139 ante, two revised draft notifications and one revised draft order are sent herewith.

Revised draft notification No. 906/48(b).

There is no objection to issuing the proposed rules also under section 49 of the Act. Such rules, however, require previous publication and therefore the necessary preamble has been inserted in the revised draft notification.

As regards revised draft rule 2, it would not be possible for the architect or engineer to certify the monthly rent. The landlord may therefore be asked to submit separate statements showing the rent of the existing tenements. Similarly it would not be feasible to ask the landlord to forward to the Tribunal his title deeds and pass books and securities in original along with his application for Tribunal's certificate. He may be asked to produce them for inspection. Revised deaft rule provides accordingly.

Rule 2 in the department's draft is not valid. The satisfaction as regards the matters referred to in section 13(3), (5) is the satisfaction of the Tribunal. No rule can be prescribed which in effect shall fetter the Tribunal's discretion in these matters. The other conditions with respect to which the Tribunal shall be satisfied can be laid down by Government by general or special order. Draft rule 2 has therefore been deleted.

Additional Secretary to Government.

U.R. to Labour & Housing Department No. 569 dated the 10th January, 1951

ORDER. 9

The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (Bom. LVII of 1947).

Labour and Housing Department,

Bombay Castle, December, 1951.

No. 906/48(c) - In exercise of the powers conferred by sub-clause (iv) of clause (b) of sub-section (3B) of section 13 of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, (Bom. LVII of 1947), the Government of Bombay is pleased to specify that the following further conditions shall have to be satisfied by the landlord before the Tribunal grants a certificate under clause (b) of the said sub-section, namely :-

(1) The landlord has present title to the land on which his existing premises stand.

(2) The landlord has obtained the approval of the Municipality and other authorities concerned as may be necessary, to the plan of the new building to be erected by him.

By order of the Governor of Bombay,

Secretary to Government.

JSM / 18/7/56.

Office of the R.L.

It will appear from the provisions of section 2(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, read with Schedule I thereof Part II has been extended to the Revenue limits of the City of Bombay and Bombay Suburban District and Thana District. By Government notification in the F.& L.D. No. 5975/33-I dated the 30th August 1948, issued under the proviso to section 8(1) of the Act it was directed inter alia that in 16 villages in the Bombay Suburban District specified in the notification, the Act shall cease to apply to premises let for residence, business etc. It was also directed by the said notification that in such areas of the Thana District as were specified therein the Act shall cease to apply to premises let for residence, business etc. By the R.D. Notification No. 4240/49, dated the 10th April 1950, issued under section 7 of the Bombay Revenue Code, certain 14 villages of the Thana District were included in the B.S.D. It was after this latter notification that the Greater Bombay was reconstituted so as to consist of the limits of City of Bombay, the B.S.D. including the 14 villages referred to in R.D. notification No. 4240/49 dated the 10th April 1950. Since, as pointed out above, the Rent Act has ceased to apply to certain 16 villages in the B.S.D. and in the Thana District and as the Bombay Rent, Hotel and Lodging House House Rates Control Act, 1947 has been extended in terms of the revenue limits of the areas, and as the villages in

in which the Act has ceased to apply were afterwards transferred o the B.S.D. the proper course would be re-apply Part II of the Act to such villages of the B.S.D. in which it is not in force in virtue of the L.-.J. & P.H.D. Notification No. 5975/33-I, dated the 30th August 1948. The proposal of ~~t~~he the Labour and Housing Department to issue a notification direction that Part II of the Act shall apply to all those areas constituting Greater Bombay to which Part II of the Act does not apply, would not be in order as under Schedule I the Act has not been extended to Greater Bombay but to Revenue limits of the City of Bombay, the B.S.D. and the Thana District. The Labour and Housing Department may therefo e, obtain the particulars of the villages of the B.S.D. (which now forms part of the Greater Bombay) from the Collector of B.S.D. in which the Act is not in force and should specify such villa es in the fresh notification to be issued under section 6(1) of the Act, a draft of which is sent herewith.

Remembrancer of Legal Affairs.

U.H. to L.& H.D. No. 623 , dated the
17th April 1951.

LSH-2 / 1847/50.